

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

CA. NO. 12-1568

FREDDY MONTALVO ET AL.

Plaintiffs

V.

LT's BENJAMIN RECORDS, INC., ET AL.

Defendants

DECLARATION OF DAVID A. MECH, ESQ.

1. My name is David Mech and I am counsel for the plaintiffs in the above-entitled action. If called to testify in this matter I would state as follows:
2. I have been diligently conducting discovery throughout this matter and have made it a point to keep up on all Orders or other communications by the parties and the Court.
3. Due to my three surgeries in the past year, and my disability for a year or so prior, attorney Maldonado proposed early on that he would communicate to me upon receipt of a Communication from the Court or other party, and I would do same.
4. I also from time to time check the Court docket to see if any new filings have occurred.
5. Unfortunately, I did not see the Court's Communication of November 26, 2014 (Dkt. 206). Nor did I receive any word from co-counsel, or any other communication to indicate this filing had occurred.

6. I recently filed a Motion to Reconsider the Order dismissing in part my Fourth Amended Complaint and assumed the Court's Order regarding the recent Motion to Enlarge time would be forthcoming.
7. I had no idea the new deadlines were set for the by the Court.
8. I was not made aware of the new deadlines, and was somewhat surprised to hear from EMI on the 19th of December stating they needed me to withdraw the Motion to Compel by the 19th (that day).
9. It was not until this time did I have any idea that something was not right.
10. I checked the docket for recent filings when I filed my Motion to Withdraw the Motion to Compel and did not see any newer Docket entries since December 9, the date of the most recent Order denying my Motion for Reconsideration.
11. I simply missed the Court's email of November 26, 2014. It was probably the worst one I could have missed, but I state it certainly was not because I was not checking my email. Sometimes, unfortunately this happens.
12. Despite my due diligence, and the system of checks I had with Attorney Maldonado, this Order was not seen and I apologize, and I ask this Honorable Court to vacate its order of Sanctions.

SIGNED UNDER THE PENALTY OF PERJURY THIS 23rd DAY OF
DECEMBER 2014.

/s/ David A. Mech, Esq.
